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DATE OF DEPOSIT: <u>January 29, 2004</u>	
<p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.</p>	
 <u>Garry S. Klann</u> Signature	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark J. Rupar
William P. Donovan
Yuping Tan
Annette C. Slaney

§ Group Art Unit:
§ Examiner:
§ Atty. Dkt. No.: **MECO:017--3**
11792.0017.DVUS03

Serial No.:

Filed: January 29, 2004

For: **PLANTS TOXIC TO COLEOPTERAN INSECTS** §
AND CTENOCEPHALIDES SPP. (AMENDED) §

INFORMATION DISCLOSURE STATEMENT

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants respectfully request that this Information Disclosure Statement be entered and that the references listed on attached Form PTO-1449 be considered by the Examiner and made of record.

The present application is a divisional application of U.S. Serial No. 10/386,972, filed March 12, 2003, which was a divisional application U.S. Serial No. 09/611,216, filed July 6, 2000, now U.S. Patent No. 6,537,756, which was a divisional application of U.S. Serial No. 08/721,259, filed September 26, 1996, now U.S. Patent No. 6,093,695, each of which are relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with Rule 37 C.F.R. § 1.98(d), copies of the listed documents

are not enclosed as they have been previously cited by or submitted to the U.S. Patent and Trademark Office in prior applications listed above.

In accordance with 37 C.F.R. § 1.97(g), this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other possibly material information, as defined in 37 C.F.R. § 1.56, exists.

The present Information Disclosure Statement is being filed prior to the receipt of a first Office Action on the merits; and hence, is believed to be timely-filed in accordance with 37 C.F.R. § 1.97(b).

No fees are believed to be due in connection with the filing of this Information Disclosure Statement; however, if any fees should be due, the Commissioner is hereby authorized to deduct said fees from Deposit Account No. 01-2508/11792.0017.DVUS03.

Respectfully submitted,



Amy G. Klann
Reg. No. 48,155
AGENT FOR ASSIGNEE
MONSANTO TECHNOLOGY LLC

Howrey Simon Arnold & White, LLP
750 Bering Drive
Houston, Texas 77057-2198
(713) 787-1400

Date: January 29, 2004

Form PTO-1449 (modified)		Atty. Docket No. MECO:017-3	Serial No.
List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		Applicant Mark J. Rupar, <i>et al.</i>	
		Filing Date: January 29, 2004	Group:
U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 1</i>	Other Art <i>See Page 2</i>	

U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date if App.
	A1	4,547,360	10/15/85	Perlberg	424	15	
	A2	5,173,409	12/22/92	English	435	71.1	12/22/92
	A3	5,187,091	02/16/93	Donovan <i>et al.</i>	435	240.4	02/16/93
	A4	5,264,364	11/23/93	Donovan <i>et al.</i>	435	252.5	11/23/93
	A5	5,276,269	01/04/94	Raikhel	800	205	01/04/94
	A6	5,338,544	08/16/94	Donovan	424	93.2	08/16/94
	A7	5,449,681	09/12/95	Wickiser	514	366	09/12/95
	A8	5,482,852	01/09/96	Yoder <i>et al.</i>	435	172.3	01/09/96
	A9	5,508,468	04/16/96	Lundquist <i>et al.</i>	800	205	04/16/96
	A10	5,550,318	08/27/96	Adams <i>et al.</i>	800	205	08/27/96

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1	WO94/13785	06/23/94	WIPO			
	B2	WO94/16079	07/21/94	WIPO			
	B3	WO95/02693	01/26/95	WIPO			
	B4	WO9618302A	06/20/96	WIPO			
	B5	WO9116433A	10/31/91	WIPO			

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DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

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Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	Baum and Malvar, "Regulation of insecticidal crystal protein production in <i>Bacillus thuringiensis</i> ," <i>Molecular Microbiology</i> , 18(1):1-12 (1995)
	C2	Chilcott and Ellar, "Comparative Toxicity of <i>Bacillus thuringiensis</i> var. <i>israelensis</i> Crystal Proteins <i>in vivo</i> and <i>in vitro</i> ," <i>J. of General Microbiology</i> , 134:2551-2558 (1988)
	C3	Dhir <i>et al.</i> , "Regeneration of transformed shoots from electroporated soybean (<i>Glycine max</i> (L.) Merr.) protoplasts," <i>Plant Cell Reports</i> , 10:97-101 (1991)
	C4	Donovan <i>et al.</i> , "Characterization of Two Genes Encoding <i>Bacillus thuringiensis</i> Insecticidal Crystal Proteins Toxic to <i>Coleoptera</i> Species," <i>Applied and Environmental Microbiology</i> , 58(12):3921-3927 (Dec. 1992)
	C5	Earp and Ellar, " <i>Bacillus thuringiensis</i> var. <i>morrisoni</i> strain PG14: nucleotide sequence of a gene encoding a 27kDa crystal protein," <i>Nucleic Acids Research</i> , 15(8):3619 (1987)
	C6	Knowles <i>et al.</i> , "A broad-spectrum cytolytic toxin from <i>Bacillus thuringiensis</i> var. <i>kyushuensis</i> ," <i>Proc. R. Soc. Lond. B</i> , 248:1-7 (1992)
	C7	Koni and Ellar, "Cloning and Characterization of a Novel <i>Bacillus thuringiensis</i> Cytolytic Delta-Endotoxin," <i>J. Mol. Biol.</i> , 229:319-327 (1993)
	C8	Ward <i>et al.</i> , "Cloning and expression in <i>Escherichia coli</i> of the insecticidal δ -endotoxin gene of <i>Bacillus thuringiensis</i> var. <i>israelensis</i> ," <i>FEBS</i> , 175(2):377-382 (October 1984)
	C9	Ward and Ellar, " <i>Bacillus thuringiensis</i> var. <i>israelensis</i> δ -Endotoxin Nucleotide Sequence and Characterization of the Transcripts in <i>Bacillus thuringiensis</i> and <i>Escherichia coli</i> ," <i>J. Mol. Biol.</i> , 191:1-11 (1986)
	C10	Ely, S.: "The engineering of plants to express <i>Bacillus thuringiensis</i> delta-endotoxins"; ENTWISTLE, E. ET AL. (Eds.): 'Bacillus Thuringiensis, an Environmental Biopesticide: Theory and Practice' 1993, GB, Chichester, Wiley & Sons, ' pages 105-124, XP002054693

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